



March 27, 2018

**West Coast LEAF's Written Submissions
BC Poverty Reduction Strategy
Ministry of Social Development and Poverty Reduction**

West Coast Legal Education and Action Fund (West Coast LEAF) is a BC-based legal advocacy organization. Our mandate is to use the law to create an equal and just society for all women and people who experience gender based discrimination.

In collaboration with community, we use litigation, law reform, and public legal education to make change. In particular, we aim to transform society by achieving: access to healthcare; access to justice; economic security; freedom from gender based violence; justice for those who are criminalized; and the right to parent. We have particular expertise in gender equality and human rights and have done in-depth research and analysis of the impacts of federal and provincial laws and policies on women.

West Coast LEAF provides these written submissions in response to the government's poverty reduction strategy consultations. We welcome the commitment to adopt and implement a poverty reduction strategy for BC.

We strongly urge the BC government to adopt human rights and gender based analysis in the conception and implementation of all poverty reduction strategies, policies, legislation and decision making. The multifaceted and intersectional nature of poverty and how factors such as gender, intergenerational impacts of colonialism, language barriers, socioeconomic status, lack of access to justice, and lack of access to appropriate child care further perpetuate the depth and severity of poverty must be addressed. Additionally, an effective poverty reduction strategy must be a whole-of-government undertaking and requires active inter-ministerial collaboration.

A human rights and gender based approach is critical to recognizing and addressing the impacts of poverty specific to women and those experiencing gender based discrimination. In order to achieve the objectives of poverty reduction strategies, policies and legislation, the particular needs of women living in poverty, including Indigenous women, racialized women, women with disabilities, senior women and women parenting alone, must be considered. This approach is consistent with the recommendations of the Committee on the Elimination of Discrimination against Women (the Committee) to fulfill our obligations under the UN *Convention on the Elimination of All Forms of Discrimination against Women*¹ and the United Nations *Declaration on the Rights of Indigenous Peoples (UNDRIP)*.

¹ *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, 65th Sess, UN Doc CEDAW/C/CAN/CO/8-9 at para 47 (18 Nov 2016).

Disproportionate Impact of Poverty & Low Income on BC Women

Women are disproportionately impacted by poverty, which results in other adverse impacts that create greater challenges for particular groups of women. According to the most recent data from Statistics Canada, the poverty rate for BC women is about 16%.² These figures very likely underestimate the real rates of BC women's poverty since Statistics Canada does not include Indigenous people living on reserve in its provincial assessment, despite deep inequalities impacting Indigenous communities.³

A recent report found that about 60% of Indigenous children on reserve in Canada experience poverty.⁴ Indigenous women face an elevated risk of economic insecurity, as do women with disabilities, immigrant and refugee women, and single mothers.⁵ Nearly half of children in families headed by single women in BC live in poverty, compared to about 10% of children in two-parent families,⁶ and around a quarter of single-parent families—predominantly headed by women⁷—face moderate to severe food insecurity.⁸

Inadequate wages particularly impact women given that women account for 58% of low-wage workers in BC.⁹ About half of people living in poverty in BC are either the working poor or their children.¹⁰ BC's minimum wage is just 55% of the current living wage for Metro Vancouver.¹¹ People who receive income assistance live in even deeper poverty. Inadequate rates for income assistance and disability benefits may force women to return to abusive relationships or engage in sex work in order to survive.¹² Older women often experience inequalities in pension entitlements driven by a lifetime of lower pay: BC women tend to receive about 20% less than their male counterparts in Canada Pension benefits and almost 50% less in private retirement income.¹³ For this reason and many others, poverty affects about a third of BC senior women who live alone.¹⁴ These impacts continue through the lifespan of women, as they accumulate less wealth and make fewer pensionable earnings, resulting in disproportionate rates of poverty in older women.

² Statistics Canada, CANSIM 206-0041: Low income statistics by age, sex and economic family type, Canada, provinces and selected metropolitan census areas (CMAs), (2 August 2017) (2015 data)

³ Seth Klein, Iglia Ivanova and Andrew Leyland. *Long Overdue: Why BC Needs a Poverty Reduction Plan* (Canadian Centre for Policy Alternatives, Vancouver: 2017) at 22

⁴ David Macdonald and Daniel Wilson. *Shameful Neglect: Indigenous Child Poverty in Canada* (Canadian Centre for Policy Alternatives, Ottawa: 2016) at 10

⁵ Government of Canada, "Towards a Poverty Reduction Strategy: A Backgrounder on Poverty in Canada" (October 2016), online: <https://www.canada.ca/en/employment-social-development/programs/poverty-reduction/backgrounder.html?wbdisable=true#h2.4> at 9

⁶ Statistics Canada, CANSIM 206-0041: Low income statistics by age, sex and economic family type, Canada, provinces and selected metropolitan census areas (CMAs), (2 August 2017) (2015 data).

⁷ First Call BC Child and Youth Advocacy Coalition, *2016 Child Poverty Report Card* (First Call, Vancouver: November 2016) at 14

⁸ Dr. Jean-Charles Le Vallée, Cameron MacLaine, Melissa Lalonde and Michael Grant. *Canada's Food Report Card 2016: Provincial Performance*. (Conference Board of Canada, Ottawa: 2017) at 72

⁹ *Ibid* at 32

¹⁰ Seth Klein, Iglia Ivanova and Andrew Leyland. *Long Overdue: Why BC Needs a Poverty Reduction Plan* (Canadian Centre for Policy Alternatives, Vancouver: 2017) at 4

¹¹ Calculated based on Iglia Ivanova, Seth Klein and Pamela Reaño, *Working for a Living Wage 2017: Making Paid Work Meet Basic Family Needs in Metro Vancouver* (Canadian Centre for Policy Alternatives, Vancouver: April 2017), online: https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2017/04/ccpa_bc_living_wage_%20update%202017%20FINAL%20.pdf

¹² Seth Klein and Jane Pulkingham, *Living on Welfare in BC: Experiences of Longer-Term "Expected to Work" Recipients*, (Canadian Centre for Policy Alternatives, Vancouver: 2008) at 13.

¹³ Iglia Ivanova, *Poverty and Inequality Among British Columbia's Seniors* (Canadian Centre for Policy Alternatives, Vancouver: 2017) at 6

¹⁴ *Ibid* at 5

Lack of Appropriate Child Care & Child Protection Involvement

Accessible, affordable and high-quality child care is an essential part of any poverty reduction strategy. Poverty reduction strategies must address the lifelong impacts of the disproportionate unpaid caregiving performed by women in Canada.

West Coast LEAF's research on the state of child care services in BC and its human rights implications for women and children were published in the *High Stakes: The Impacts of Child Care on the Human Rights of Women and Children* report.¹⁵ Our report found that the current state of child care in BC results in serious adverse impacts for the human rights of women and children.

In our research, we documented the extent to which unpaid caregiving responsibilities disproportionately fall on women and the corresponding impact on their economic security whether they are parenting with a partner or parenting alone. Women's inability to secure affordable, safe childcare impedes their ability to increase their earning capacity. In particular, when combined with the gender wage gap, women often become financially dependent on their partner and are at risk of deep poverty should relationship breakdown occur. These dynamics often mean that women sacrifice higher earnings and more secure employment in order to perform unpaid caregiving, thus increasing their financial insecurity and risks of becoming caught in a cycle of poverty. These impacts have graver consequences for marginalized women and children in myriad ways and intersect with other challenges resulting from discrimination on the basis of race, indigeneity, mental and physical disability, addictions and homelessness.

We welcome the government's 2018 budget promises and allocation of funds towards creating universal child care for British Columbians. However, particular attention must be given to particular populations facing poverty and safety concerns. Specifically, child care services and supports must be available and prioritized for women fleeing violence and women who need support to parent, regardless of immigration status, and for children awaiting kinship care placement.

The lack of appropriate child care is particularly concerning for Indigenous communities, given that Indigenous children continue to be over-represented in the child protection system. The Canadian Human Rights Tribunal found that the most prevalent cause for Indigenous children to engage with the child protection system is due to concerns of neglect resulting from failure to supervise and meet basic needs.¹⁶ According to the Aboriginal Children in Care Working Group's July 2015 report titled *Aboriginal Children in Care Report to Canada's Premiers*:

“Less than a third of children living in First Nations communities receive child care (defined as care from someone other than a parent or guardian). Of those who do, only 39 per cent receive child care in a formal setting, such as a daycare centre or

¹⁵ High Stakes: The Impacts of Child Care on the Human Rights of Women and Children, online at <http://www.westcoastleaf.org/2016/07/12/high-stakes-impacts-child-care-human-rights-women-children/>

¹⁶ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2, at paragraph 120

a private home daycare, and 78 per cent do not have access to licensed regulated child care services.”¹⁷

Lack of access to appropriate child care undermines and interferes with the ability and right to parent and further perpetuates state interference with Indigenous communities and families through the child protection system. Indigenous children and youth are 15 times more likely to be in care than non-Indigenous children and youth.¹⁸ This is especially concerning given the long history of state interference with Indigenous communities and families, from the residential school system to mass removal of Indigenous children in the 1960s.

Given the critical role appropriate and accessible child care plays in the lives of women and children, we urge the BC government to continue to take immediate steps to adopt a universal child care system and implement the \$10aDay Plan.

Lack of Security and Access to Justice

The disproportionate impact of poverty creates security and access to justice challenges for women. Many women are unable to leave relationships, including abusive relationships, when they choose or at all due to their lack of financial security and difficulty in becoming economically self-sufficient. Women may face a difficult choice between staying in an abusive relationship or risking poverty if they were to leave. When they do leave the relationship, they are faced with a multitude of challenges, including finding housing, employment and safe, affordable childcare.

As a result of the underfunding of legal aid and the significant restrictions to qualify for family law legal aid, women leaving relationships find themselves unable to access legal advice and representation to pursue their interest in assets and financial support entitlements. Often these women had sacrificed education and employment opportunities in order to take on the lion’s share of parenting responsibilities. After the breakdown of a relationship they often continue to be the primary caregivers to children and will continue to carry the responsibility for the general wellbeing and day-to-day care of children. Inability to afford a lawyer means that they may not be able to launch financial claims successfully and that they and their children face greater risks of experiencing poverty.

Significant access to justice barriers aggravate the precarious circumstances of women experiencing poverty. They create situations where women are not only unable to leave relationships, but also are unable to pursue protective measures against abusive spouses, or pursue rights to family assets and financial support, because they cannot afford a lawyer. The drastic underfunding of civil legal aid in BC means that many women have no means to seek legal advice and representation and no means to enforce their rights.

¹⁷ *Aboriginal Children in Care Report to Canada’s Premiers*, July 2015, , available online: <https://fncaringsociety.com/sites/default/files/Aboriginal%20Children%20in%20Care%20Report%20%28July%202015%29.pdf>
p.44

¹⁸ Grand Chief Ed John, Special Advisor on Indigenous Children in Care, “Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions: A Report on Indigenous Child Welfare in British Columbia” (2016), available online: <http://cwrp.ca/sites/default/files/publications/en/final-report-of-grand-chief-ed-john-re-indig-child-welfare-in-bc-november-2016.pdf>, p. 11

Poverty reduction strategies that specifically reduce these additional challenges faced by women will give women the opportunity to become economically self-sufficient which in turn will allow them to protect their safety and improve their economic security.

RECOMMENDATIONS

We propose the following recommendations:

1. Develop and implement a comprehensive poverty reduction strategy that is founded on human rights principles, applies gender based analysis and takes into account the multifaceted and intersectional nature of poverty.
2. Enact legislation that includes:
 - a. a purpose statement that makes it clear the goal of the legislation is to protect the human rights and dignity of all British Columbians;
 - b. recognition of the economic and significant benefits of reducing and eliminating poverty for society as a whole;
 - c. specific targets and timelines to reduce the breadth and depth of poverty, including:
 - i. reducing BC's poverty rate by 30% within four years, and by 75% within 10 years;
 - ii. recognizing that poverty is concentrated in particular populations and ensure likewise declines in the poverty rate by 30% in four years, and by 75% in ten years within these populations;
 - iii. within two years, ensure that every British Columbian has an income that reaches at least 75% of the poverty line; and
 - iv. within two years, ensure no one has to sleep outside, and end all homelessness within eight years (ensuring all homeless people have good quality, appropriate housing).
 - d. how the various concerned ministries will collaborate;
 - e. how government as a whole will work towards reducing poverty;
 - f. how government will be held accountable, including the creation of an independent committee with a broad mandate to oversee the progress of the poverty reduction strategy implementation, the ability to investigate as needed, the ability to make recommendations and produce publicly available annual reports outlining the progress, shortcomings, and remedial recommendations.
3. Ensure specific attention is given to issues that uniquely impact women, including:
 - a. **Pay Equity:** enact stand-alone proactive pay equity legislation that applies to the entire provincially regulated sector and recognizes equal pay for work of equal value as a human right. The legislation should clearly place the onus on employers to ensure pay equity is achieved and require employers, unions and workers' representatives to examine pay systems to make sure they are based on the principle of equal pay for work of equal value. There should be independent oversight to ensure effective implementation and accountability. There should also be ongoing and adequate financial and

human resources for the administration of pay equity legislation and for oversight agencies to support the achievement of pay equity.

- b. **Living Wage:** increase the minimum wage to living wage.
 - i. Develop and implement a plan for annual universal increases of the minimum wage to achieve and maintain a living wage.
 - ii. Establish a mechanism for a regular and transparent review of the minimum wage to continually evaluate and adjust it to ensure it corresponds with the living wage, rather than adjusting the minimum wage in an ad-hoc and often politicized manner.
 - iii. Establish a permanent and independent commission that has a broad mandate. The commission's mandate should include the ability to conduct investigations, research, consultations and make recommendations that support the goal of achieving and maintaining a minimum wage that reflects actual living costs. The commission should have the ability to present its annual findings and recommendations to a standing committee that has the authority to implement the recommendations.
- c. **Child Care:** establish an accessible and appropriate universal child care system that prioritizes particular populations and their unique needs, including:
 - i. child care services that are available on both a full-time and part-time basis and accommodate work schedules that are outside of the usual Monday to Friday 9am to 5pm work week.
 - ii. child care services and supports that are available to all, regardless of immigration status, particularly for women fleeing violence.
 - iii. prioritized access to free care without delay for women fleeing violence, women who need support to parent and children awaiting kinship care placements.
 - iv. culturally appropriate child care for Indigenous parents and children.
 - v. child care services that are all fully accessible to children with disabilities so that they are not excluded or disadvantaged.
 - vi. child care services that are integrated with the education system in order to ensure consistency and stability when children transition from child care to school.
 - vii. child care services and supports that are separate from the child protection system to ensure that parents do not fear asking for assistance.
- d. **Child Protection Support Services:** ensure support services are accessible to encourage preventative measures, keep families together and avoid child protection intervention. These measures will encourage parents

to seek support services before child protection concerns, due to neglect, arise.

- i. To encourage prevention and early intervention, create clear administrative distinction between child protection files and service agreement files, where the sole intent should be to provide support services. This will encourage parents to request support services before child protection concerns arise.
 - ii. Until the responsibility for child care services are moved to another ministry, ensure child care services are provided through MCFD`s child care division, regardless of whether the family initially engaged with MCFD due to child protection concerns.
 - iii. Ensure families continue to receive support services until there is no need for these services, rather than requiring parents to enter into new service agreements every 6 months.
- e. **Access to Justice:** ensure there is adequate family law legal aid funding so that women are not forced to navigate the complex family law system alone or to give up their legal rights because they cannot afford a lawyer.

With the foregoing in mind, we urge the BC government to take a leadership role in creating and implementing an impactful poverty reduction strategy that takes into account the many gendered and intersectional contributing factors of poverty in this province.

Respectfully Submitted By:



Zahra H. Jinnah
Director of Law Reform, West Coast LEAF